

REMARKS

Claims 22-42 are pending in the application. Claims 37-39 have been withdrawn. Claims 22-36 and 40-42 have been rejected. No claims have been allowed.

Examiner Interview

The undersigned and Examiner Lyle Alexander interviewed the application via telephone on October 31, 2011. During the interview, the Examiner and the undersigned discussed various options for addressing the marginal quality of the photographs submitted with the Inventor Declaration. It was agreed that if better quality photos were submitted that clearly show the differences between Fig. 3a and Fig. 3c, the Declaration could overcome the outstanding rejections. Fortunately, higher quality photos of Fig. 3 were found and have been submitted herewith. A Declaration from one of the inventors to formally introduce the high quality photographs into the application will be forthcoming.

The undersigned wishes to thank Examiner Alexander for the helpful suggestions offered and courtesies extended during the telephone interview.

Claim Rejections 35 U.S.C. § 112

Claim 26 was rejected as being indefinite, in particular, not further limiting claim 22. Applicants respectfully request reconsideration. Claim 26 limits the distance between elevations on the hydrophobic structured surface to about 50 nm to 200 μ m. By contrast, claim 22 recites the height of the elevations. Thus, claim 26 further limits claim 22 by specifying a distance between elevations. Applicants thus respectfully request that this rejection be withdrawn.

Claim Rejections 35 U.S.C. § 102

Claims 22-25, 29-36 and 40-42 were rejected as being anticipated by U.S. Patent No. 6,441,898 to Markart ("Markart").

Applicants respectfully incorporate by reference their comments in the previously submitted response of August 1, 2011

Claim Rejections 35 U.S.C. § 103

Claims 22-36 and 40-42 were rejected as obvious over Markart. Responsive thereto, Applicants respectfully incorporate by reference their comments in the previously submitted response of August 1, 2011.

Section 1.132 Declaration

As Applicants understand the Office Action and from the undersigned's telephone interview with Examiner Alexander, the Office's position is that the Declaration fails to demonstrate the unexpected results of the instant invention because the photographs submitted with the Declaration are of marginal quality.

Responsive thereto, Applicants submit herewith, as an Appendix at the end of this response, high quality photographs that were used to generate Figs. 3a-3c. Turning to the photographs, the photo on the left (Lotus surface) corresponds to Fig. 3a; the photo in the middle (untreated surface) corresponds to Fig. 3b; and the photo on the right (teflon surface) corresponds to Fig. 3c. The remarkable and unexpected results can clearly be seen from the attached photographs. Applicants will submit under separate cover a new inventor Declaration to formally enter the photographs into the instant application.

Applicants believe that they have now fulfilled the request by the Examiner for "new photographs that are of high enough resolution to show the unexpected results of the instant invention." October 7, 2011 Office Action, pg. 5, § 6. Applicants thus respectfully request that all rejections be withdrawn upon Applicants' formal entry of the photos via the above-noted inventor declaration.

[THIS SPACE INTENTIONALLY LEFT BLANK]

CONCLUSION

Applicants submit that this is a complete response to the outstanding Office Action and further submit that all pending claims are allowable, and earnestly solicit allowance thereof.

If necessary, Applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this response be charged to the deposit account of Bose McKinney & Evans, Deposit Account No. 02-3223.

Should the Examiner have any questions regarding this response or the above-identified application in general, it is requested that he telephone Applicants' undersigned attorney.

Respectfully submitted,

BOSE McKINNEY & EVANS LLP

/Michael C. Bartol/

Michael C. Bartol

Reg. No. 44,025

Date Submitted: January 4, 2012

Bose McKinney & Evans LLP
111 Monument Circle Suite 2700
Indianapolis, Indiana 46204
(317) 684-5000

2048334_1